

Received & Inspected

MAY 30 2012

FCC Mail Room

LETTER OF APPEAL

To Whom It May Concern:

BEN Name: Cuba School District **BEN Number:** 143235
Form 471 Application Number: 801508

FRN Numbers: 2174458, 2174473, 2174491

Reference Document: Funding Commitment Decision Letter—RAL corrections decreased from 90% to 80%

Service Provider Name/SPIN: EQ Consulting, Inc.

Appeal CC Docket No. 02-6

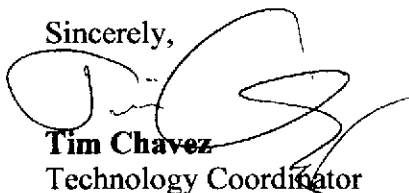
I write this letter to appeal the decision to change our RAL discount from 90% to 80%. This was done on FRN 2174458, FRN 2174473, and FRN 2174491. The school district was unable to meet the requirements of USAC and acquire documentation from New Mexico Public Education Department in a timely manner. The district believes that all the proper documentation to prove our Provision 2 status was ultimately acquired and should be considered to change our RAL discount back to 90%.

Cuba Independent school district is located in the middle of the Navajo reservation and we serve a population that is very low income and economically disadvantaged. We provide 100% Free and Reduced meals to all of our student population.

We truly apologize for the confusion and would respectfully ask you to re-evaluate our Discount Rate based on the information being attaching now. Attached the funding commitment decision letter send from USAC, our Provision 2 letter, the Base Claim we file in October 2010, and a letter from the New Mexico Public Education Department verifying the District's Provision 2 status.

Please do not hesitate to contact me if I can help in any other way or if you should you have further questions.

Sincerely,



Tim Chavez
Technology Coordinator
50 County Rd. 13
Cuba NM 87013
Email: timc@cuba.k12.nm.us
Phone (505) 362-2873
Fax (575) 289-3314

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STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

HANNAH SKANDERA
SECRETARY OF EDUCATION

SUSANA MARTINEZ
Governor

February 6, 2012

Ms Jackie Dyer, Superintendent
Cuba Independent Schools
P.O. Box 70 (#50 CR13)
Cuba, NM 87013

Subject: Provision 2 Approval, Base Year School Year 2011-2012 Approval for Cuba Independent Schools

Dear Ms. Dyer,

Cuba Elementary School, Cuba Middle School, and Cuba High School request to begin **Provision 2** for the 2011-2012 School Year, without collecting new free and reduced price application is **approved** for the above mentioned schools.

Base Year records for schools on Provision 2, which support subsequent years' reimbursement, must be retained during the period Provision 2 is in effect, including all extensions. Since claims for the Base Year and all subsequent years are centered on Base Year data, retention of these records is essential. In addition, such records must be retained for three years after submission of the final claim for reimbursement for the last fiscal year which used the Base Year data.

Under Provision 2 requirements, the following documentation must be retained and secured at the Food Service Administration office for those schools participating in Provision 2.

- 1 Approval from State Agency
- 2 Income eligibility guidelines from year 1/Base Years
3. Approved free, denied and reduced applications of Year 1/Base Year
(Applications should be stored in notebooks and organized to match the benefit issuance list)
- 4 Benefit Issuance list used in Year 1/Base Year must include the following
 - a Name of the student
 - b Category of Eligibility (free)
 - c Date of Eligibility Status
 - d Change in Eligibility Status
- 5 Summary of Verification process and backup documentation by school should be verified by focus sampling based on free and reduced applications on file October 31.

Phone: (505) 827-1821

Student Nutrition Bureau
120 S. Federal Place, Suite 105
Santa Fe, NM 87501

Fax: (505) 827-1815

"Nourishing "More" Healthy Bodies and Minds"

- 6 Daily edit checks and meal consolidation forms for the year
- 7 Description of accountability system that identifies children by eligibility category in Year 1/Base Year
- 8 Meal count and claim documentation for students according to their eligibility category.
- 9 Documentation to support monthly percentages by eligibility category.
- 10 "On-Site" review forms, if applicable.
- 11 Socioeconomic data for Year 1/Base Year and every fourth year. Data that indicates the unemployment level of the school population has remained stable from the Year 1/Base Year, when eligibility determinations were made. The data that is acceptable is the unemployment rate of the county. Data can be obtained from the following sources through their websites:

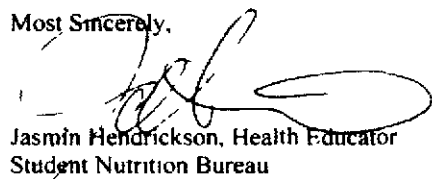
New Mexico Department of Labor, Bureau of Economic Research and Analysis (505) 841-8638 or 841-8645 or www.dol.state.nm.us, Click on Labor Market Info (LMI) icon, then click on the New Mexico Annual Social and Economic Indicators heading in the Economic Statistics section

In the fourth year of Provision 2, a Request for an Extension to continue in Provision 2, is required to be submitted by March 1st. The unemployment rate must be retrieved and maintained for the Base Year and the fourth year to establish a comparison of economic indicators. In order for an extension to be granted, all of the above documents must be retained and available on file.

During the establishment of the Base Year, School Food Authority (SFA) may provide meals at no cost to all students, if the SFA is willing to cover the financial burden of providing free meals to all students. Applications must still be collected in order to calculate Base Year Percentages which will have a direct effect on reimbursements and claims in subsequent years. If the SFA chooses to charge students meals, the charges must be based upon applications status (free/reduced/paid) and the SFA must maintain accurate meal counts.

If you have further questions regarding Provision 2 status, please feel free to contact Jasmin Hendrickson at (505) 827-3507 or jasmin.hendrickson@state.nm.us

Most Sincerely,



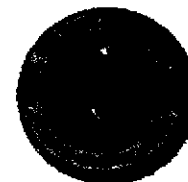
Jasmin Hendrickson, Health Educator
Student Nutrition Bureau

JH BV

cc Rhannon Chavez, Business Manager
Bob Murphy, Food Service Director



New Mexico Department of Education Child Nutrition Program Basic Claim Report For October 2010



SFA Name: CUBA INDEPENDENT
SFA #: 062101
Claim Received: NOVEMBER 3, 2010
Claim Type: ORIG

Claim Status: PAID
Safety Net: Yes
Attendance % Free: 73.48%
Attendance % Reduced: 82.16%

	<u>Lunch</u>	<u>Breakfast</u>	<u>Severe Need</u>	<u>Snack</u>	<u>Milk</u>
# of Schools:	3	3	3	0	0
Days Operation:	18	18	18	0	0
Avg Daily Attendance:	664	664	664	0	0
Avg Daily Participation:	515	386	271	0	0
	<u>Free</u>	<u>Reduced</u>	<u>Special Milk</u>	<u>Free Snack</u>	<u>Reduced Snack</u>
Approved Applications:	380	85	0	0	0

School Lunch Program (NSLP)

Lunch Paid:	2,983	Total Lunch Paid:	\$835.00
Lunch Reduced:	1,257	Total Lunch Reduced:	\$2,941.00
Lunch Free:	5,026	Total Lunch Free:	\$13,771.00
Total Served:	9,266	Total Reimbursements	\$17,547.00

Special Milk Program (SMP)

Milk Cost (1/2 Pt. Pricing Program Only)	\$0.00		
Milk Paid:	0	Paid	\$0.00
Milk Free:	0	Free	\$0.00
Total Reimbursable:	0	Total Reimbursements	\$0.00

School Snack Program (SNACK)

Snack Paid:	0	Total Snack Paid:	\$0.00
Snack Reduced:	0	Total Snack Reduced:	\$0.00
Snack Free:	0	Total Snack Free:	\$0.00
Total Served:	0	Total Reimbursements	\$0.00

School Breakfast Program (SBP)

	<u>Regular</u>	<u>Severe Need</u>		<u>Regular</u>	<u>Severe Need</u>
Breakfast Paid:	2,078		Total Breakfast Paid:	\$540.00	
Breakfast Reduced:	976	976	Total Breakfast Reduced:	\$1,152.00	\$273.00
Breakfast Free:	3,894	3,894	Total Breakfast Free:	\$5,783.00	\$1,090.00
Total Served	6,948	4,870	Total Reimbursements:	\$7,455.00	\$1,363.00
			Grand Total Breakfast	\$8,818.00	

TOTAL CLAIM

\$26,365.00

Signature

Jason Dyer 12-22-11
Current Superintendent

December 22, 2011



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
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HANNA SKANDERA
SECRETARY-DESIGNATE OF EDUCATION

SUSANA MARTINEZ
Governor

March 13, 2012

Mr. Tim Chavez, Technical Support Services
Cuba Independent Schools
P.O. Box 70 (#50 CR13)
Cuba, NM 87013

RE: Provision 2

Dear Mr. Chavez:

This letter is to advise you that the New Mexico Public Education's Student Nutrition Bureau has reviewed the Provision 2 status of Cuba Independent Schools. The free and reduced figures provided by Cuba Independent Schools are accurate and current as of the 2011-2012 school year.

Should you have any questions or require further assistance, please contact me at (505) 827-1814 or reginaa.madrid@state.nm.us or Jasmin Hendrickson at (505) 827-3507 or jasmin.hendrickson@state.nm.us

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Madrid".

Regina A. Madrid, Director
Student Nutrition Bureau

RAM:JH

Phone: (505) 827-1821

Student Nutrition Bureau
120 S. Federal Place, Suite 105
Santa Fe, NM 87501

Fax: (505) 827-1815

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Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2011: 07/01/2011 - 06/30/2012)

March 27, 2012

Tim Chavez
CUBA SCHOOL DISTRICT
50 COUNTY ROAD 13
CUBA, NM 87013

Re: Form 471 Application Number: 801508
Billed Entity Number (BEN): 143235
Billed Entity FCC RN: 0014244503
Applicant's Form Identifier: 585230000697808

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$42,358.85 is "As Yet Unfunded."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 801508 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2011," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: CUBA SCHOOL DISTRICT
BEN: 143235
Funding Year: 2011

Comment on EAL corrections: MRI: The discount for entity Cuba E.S. EN 98891, Cuba H.S. EN 98892 and Cuba M.S. EN 98893 were decreased from 90% to 80%. The applicant failed to supply documentation to support the requested discount/supplied valid third party data to support the higher discount. As a result of this action, the shared discount was decreased from 90% to 80%.

Form 471 Application Number: 801508
Funding Request Number: 2174458
Funding Status: As Yet Unfunded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 585230000697808
SPIN: 143030000
Service Provider Name: EQ CONSULTING, INC.
Contract Number: N/A
Billing Account Number: (575) 289-3211
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2011
Service End Date: N/A
Contract Award Date: 03/07/2011
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1335760
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision:

FCDL Date: 03/27/2012
Wave Number: 040
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

FUNDING COMMITMENT REPORT
Billed Entity Name: CUBA SCHOOL DISTRICT
BEN: 143235
Funding Year: 2011

Comment on RAL corrections: MRI: The discount for entity Cuba E.S. EN 98891, Cuba H.S. EN 98892 and Cuba M.S. EN 98893 were decreased from 90% to 80%. The applicant failed to supply documentation to support the requested discount/supplied valid third party data to support the higher discount. As a result of this action, the shared discount was decreased from 90% to 80%.

Form 471 Application Number: 801508
Funding Request Number: 2174473
Funding Status: As Yet Unfunded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 585230000697808
SPIN: 143030000
Service Provider Name: EQ CONSULTING, INC.
Contract Number: N/A
Billing Account Number: (575) 289-3211
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2011
Service End Date: N/A
Contract Award Date: 03/07/2011
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1335760
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision:

FCDL Date: 03/27/2012
Wave Number: 040
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

FUNDING COMMITMENT REPORT
Billed Entity Name: CUEA SCHOOL DISTRICT
BEN: 143235
Funding Year: 2011

Comment on RAL corrections: MR1: The discount for entity Cuba E.S. EN 98891, Cuba H.S. EN 98892 and Cuba M.S. EN 98893 were decreased from 90% to 80%. The applicant failed to supply documentation to support the requested discount/supplied valid third party data to support the higher discount. As a result of this action, the shared discount was decreased from 90% to 80%.

Form 471 Application Number: 801508
Funding Request Number: 2174491
Funding Status: As Yet Unfunded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 585230000697808
SPIN: 143030000
Service Provider Name: EQ CONSULTING, INC.
Contract Number: N/A
Billing Account Number: (575) 289-3211
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2011
Service End Date: N/A
Contract Award Date: 03/07/2011
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1335760
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision:

FCDL Date: 03/27/2012
Wave Number: 040
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name:
Consultant Number (CRN):
Consultant Employer: